

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION

In the matter of:)	Complaint No. 01-65
)	for
HQT Homes Areas 4 & 6, L.P.)	Administrative Civil Liability
13821 Newport Avenue, Ste. 120)	
Tustin, CA 92780-7803)	
)	
<u>Attention: Steve Peters</u>)	

YOU ARE HEREBY GIVEN NOTICE THAT:

1. HQT Homes Areas 4 & 6, L.P. (HQT Homes) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region (hereinafter the Board), may impose liability under Section 13385(c)(2) of the California Water Code.
2. A hearing concerning this Complaint will be held before the Board within sixty days of the date of issuance of this Complaint. The hearing in this matter has been scheduled for the Board's regular meeting on June 1, 2001 at the City Council Chambers of Loma Linda. HQT Homes or its representative will have an opportunity to appear and be heard, and to contest the allegations in this Complaint and the imposition of civil liability by the Board. An agenda for the meeting will be mailed to you not less than 10 days prior to the hearing date.
3. At the hearing, the Board will consider whether to affirm, reject or modify the proposed administrative civil liability or whether to refer the matter to the Attorney General for recovery of judicial civil liability.
4. The storm water runoff from HQT Homes' construction site, Tracts 15313 and 15357, south of Alta Vista Street and east of Dunnivant Drive, in Placentia, is regulated under the State's General Permit for Storm Water Runoff Associated with Construction Activities, Order No. 99-08-DWQ, NPDES No. CAS000002 (General Permit), WDID No. 8 30S312369.
5. HQT Homes is alleged to have violated Provisions A.2, C.3, and C.4 of the General Permit. HQT Homes failed to develop and implement an effective Storm Water Pollution Prevention Plan (SWPPP) and monitoring program and reporting plan. Best Management Practices (BMPs) that were implemented were not adequate to reduce/eliminate pollutants in an unauthorized, non-storm water discharge from the construction site. Pursuant to Section 13385(a)(2) of the California Water Code, civil liability may be imposed for the preceding violations.
6. This complaint is based on the following facts:
 - On March 26, 2001, Regional Board staff (staff) performed a compliance inspection at the construction site located south of Alta Vista Street and east of Dunnivant Drive, in Placentia. Upon examination, it was discovered that HQT Homes had expanded the construction site beyond the limits provided in their Notice of Intent (NOI). The resulting acreage was 26.98 acres, versus the 7.5 acres listed in the original NOI.
 - Housekeeping at the site was very poor. A large amount of trash and debris was observed across the site, despite the placement of dumpsters marked for trash. Further, a significant

amount of sediment had been deposited on streets throughout the site due to vehicle tracking (no BMPs were implemented at pad access points) and due to sloughing of soil piles stored along site curbs.

- An opaque, white-colored, non-storm discharge was observed entering one of the site's storm drain catch basin inlets. The sources of this unauthorized discharge were workers washing plastering equipment adjacent to the street and discharge from a plaster mixer located on the street.
 - The BMPs intended to protect the catch basin inlet (sand bags) had been compromised, allowing the unauthorized, non-storm water discharge to flow freely into the local storm drain system.
 - On April 18, 2001, staff reinspected the site and observed no improvement in site conditions. Housekeeping had gotten worse since the March 26, 2001 site visit; unauthorized, non-storm water discharges were taking place; and there was evidence that pollutants had been discharged to the storm drain.
7. Section 13385(a)(2) provides that any person who violates waste discharge requirements shall be civilly liable. Section 13385(c) provides that a regional board may administratively impose civil liability in an amount not to exceed ten thousand dollars (\$10,000) for each day the violation occurs. Additional liability, not to exceed \$10 per gallon, may be imposed for each gallon discharged in excess of 1,000 gallons. It is estimated that the unauthorized discharge observed was less than 1,000 gallons.
 8. Pursuant to Section 13385(c), HQT Homes is civilly liable for a maximum of \$20,000 (two days of violation).
 9. Regional Board staff spent a total of 9 hours investigating this site (@\$70 per hour, the total cost for staff time is \$630). The cost savings to HQT Homes for not implementing adequate BMPs, for not maintaining those BMPs that were implemented, and for not properly training site employees is considered to be minimal. These factors were considered in assessing the penalty indicated in Paragraph 10, below.
 10. Section 13385(e) specifies factors that the Board shall consider in establishing the amount of civil liability. After consideration of those factors, the Executive Officer proposes that administrative civil liability be imposed on HQT Homes by the Board in the amount of \$15,630 for the violations cited above.

WAIVER OF HEARING

HQT Homes may waive its right to a hearing. If HQT Homes chooses to do so, please sign the attached waiver and return it, together with a check or money order, payable to the State Water Resources Control Board, for the amount of civil liability proposed in Paragraph 10, above, to:

Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3348

If you have any questions, please contact Mark Smythe at (909) 782-4998, or me at (909) 782-3284. All legal questions should be referred to the Regional Board's staff counsel, Ted Cobb, at (916) 341-5171.

Date

Gerard J. Thibeault
Executive Officer

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Attention: Steve Peters)

Complaint No. 01-65
for
Administrative Civil Liability

I agree to waive HQT Homes Areas 4 & 6 L.P.'s right to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. 01-65. I have enclosed a check, made payable to the State Water Resources Control Board, in the amount of \$15,630. I understand that I am giving up HQT Homes' right to be heard and to argue against allegations made by the Executive Officer in this complaint, and against the imposition of, and the amount of, the liability proposed.

Date

for HQT Homes Areas 4 & 6 L.P.